

September 1, 2005

Irene S. Dick-Endrizzi, Treasurer
Ross Mirkarimi for Supervisor
[Address Redacted]
San Francisco, CA 94117

**Re: Your Request for Advice
Our File No. A-05-177**

Dear Ms. Dick-Endrizzi:

This letter is in response to your request for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹ Please be aware that the Commission does not advise with respect to past conduct. (Regulation 18329(b)(8)(A).) Therefore, nothing in this letter should be construed to evaluate any conduct which may have already taken place, and any conclusions contained herein apply only to prospective actions.

QUESTION

May Supervisor Mirkarimi use his campaign committee's funds left over from his last election to pay for costs associated with hosting monthly art shows in his office at city hall?

CONCLUSION

Supervisor Mirkarimi may use committee funds to host a monthly art show in his office since the expenditures are reasonably related to a political, legislative, or governmental purpose.

FACTS

Last year, Ross Mirkarimi successfully ran for district office on the Board of Supervisors in San Francisco. His campaign committee has funds remaining from his election.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

Each month, Mr. Mirkarimi opens his office to the public to serve as an art gallery. Local artists are chosen to convey the political beliefs of Supervisor Mirkarimi. The costs involved in hosting these events include the price of food, drink, and miscellaneous expenses.

ANALYSIS

Section 89512 controls the use of campaign funds associated with holding office. Since Supervisor Mirkarimi is currently in office, this section is applicable to his use of campaign funds. Section 89512 provides:

“An expenditure to seek office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 89510 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.”

Assuming that Supervisor Mirkarimi does not receive a substantial personal benefit from the art showings,² the expenditures need only be reasonably related to a political, legislative, or governmental purpose. An art showing open to the public held in his office at city hall appears to meet the definition of a political purpose. Therefore, committee funds may be used to pay the incidental costs associated with hosting such an event.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel

By: Kevin S. Moen, PhD
Political Reform Consultant II
Technical Assistance Division

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² See regulation 18960, copy enclosed.